

CHAPTER 4

BUILDINGS

(The Building Code is Part 1 of Chapter 5, CODE ENFORCEMENT.)

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Part 1

Building Numbers

§4-101. Correct Numbering of Buildings Required.

1. On and after the passage and approval this Part, it shall be the duty of each and every owner and tenant of any real property in the Borough of Gettysburg improved with a building to cause the same to be numbered in accordance with this Part. The number shall be placed in a conspicuous place on or over each front door, on the front transom glass or front show window, over or on either side of the entrance, the number to be paint, metal or enamel and at least three inches in height, the color of the numbers to be in contrast to the immediate background, and shall be so placed as to be in full view from the opposite side of the street.
2. From and after the passage and approval of this Part, it shall be unlawful for any owner or tenant of any building in the Borough of Gettysburg to attach to or display on such building any number indicating or purporting to be a building number that does not comply with the provisions of this Part.
3. It shall be unlawful to cause or permit any obstruction tending to conceal such number from public view.

(10/6/1947, §1; as amended by Ord. 1124-91, 10/15/1991, §1)

§4-102. Division Streets for Purpose of Allocating Numbers.

For the purpose of allocating numbers, Springs Avenue, Chambersburg Street, York Street from Lincoln Square to Liberty Street, and Hanover Street shall be division streets for streets extending northwardly and southwardly; and Carlisle Street and Baltimore Street shall be division streets for streets extending eastwardly and westwardly. (10/6/1947, §2; as amended 3/20/1950)

§4-103. Numbering System on North-South Streets.

All buildings on streets extending northwardly and southwardly shall be numbered beginning with Number one within the first 12-1/2 feet on the right-hand side of each street from the property lines of its division streets, with odd numbers for each 12-1/2 feet on the right-hand side of each of said streets, extending from said division streets and even numbers for each 12-1/2 feet on the left-hand side thereof; in numbers from one to 99 in the first block, 101 to 199 in the second block, and with numbers in succeeding one hundreds in each block to the Borough limits.

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All streets parallel to the streets extending northwardly and southwardly and at angles therewith not exceeding angles of 45° shall be numbered within the 100 limitations provided for on streets extending northwardly and southwardly.

(10/6/1947, §3)

§4-104. Numbering System on East West Streets.

All buildings on streets extending eastwardly and westwardly shall be numbered beginning with Number one within the first 12-1/2 feet on the right-hand side of each street from the property lines of its division street with odd numbers for each 12-1/2 feet on the right-hand side of each of said streets, extending from said division streets, and even numbers for each 12-1/2 feet on the left-hand side thereof: in numbers from one to 99 in the first block, 101 to 199 in the second block, and with numbers in succeeding one hundreds in each block to the Borough limits.

All streets parallel to the streets extending eastwardly and westwardly and at angles therewith less than 45° shall be numbered within the one hundred limitations for each block provided for on streets extending eastwardly and westwardly.

(10/6/1947, §4)

§4-105. Numbering System on Lincoln Square.

Buildings on Lincoln Square shall be given numbers from 1 to 100 for each 12-1/2 feet starting at the east building line of Carlisle Street and extending clockwise around said Lincoln Square. (10/6/1947, §5; as amended by 3/20/1950)

§4-106. Use of Fractional Numbers.

In the event of more than one entrance to a building or buildings within the space or distance of 12-1/2 feet, fractional numbers are to be used. (10/6/1947, §6)

§4-107. Responsibility for Allocating Numbers.

It shall be the duty of the Borough Manager, on request, to allocate numbers for any and all buildings located in the Borough. (10/6/1947, §7; as amended by Ord. 113, 6/13/1968, §1)

§4-108. Determination of Questions and Disputes; Penalty for Violation.

All questions and disputes relating to the allocation of numbers to buildings shall be determined by the Borough Council. Provided, however, any person dissatisfied with or

aggrieved by any such determination may appeal to a court having jurisdiction of such matters.

Any person, firm or corporation who shall violate any provision of this Part one shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, and/or to imprisonment for a term not to exceed 90 days. Provided: each day's violation thereof shall constitute a separate violation.

(10/6/1947, §8; as amended by Ord. 113, 6/13/1968, §2; and by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

Part 2
Landlord Reports

§4-201. Purpose.

This Part is enacted to provide for the uniform and equitable distribution of tax levies upon residents of the Borough. (Ord. 1150-93, 1/11/1993, §1)

§4-202. Definitions and Interpretations.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ASSESSOR — the Adams County Tax Assessor.

BOROUGH — the Borough of Gettysburg.

COMMONWEALTH — the Commonwealth of Pennsylvania.

DWELLING UNIT — one or more rooms in the Borough used or occupied for living and/or sleeping purposes by one or more persons (including a room or rooms in a hotel, inn or rooming house).

LANDLORD — a person who or which leases as lessor to a tenant any dwelling unit the use or occupancy of which continues for a period of over 30 days, and/or a person appointed to act as resident agent under §4-203 of this Part.

PERSON — any individual, partnership, association, firm or corporation.

RESIDENT AGENT — an individual residing in the Commonwealth and within a 10 mile radius of the Borough or a partnership, association, firm or corporation having an office in the Commonwealth and within a 10 mile radius from the Borough appointed by a Landlord pursuant to §4-203 of this Part.

TENANT — a person who has the use or occupancy of a dwelling unit for a period exceeding 30 days.

As used herein, the singular of the foregoing terms shall include the plural.

(Ord. 1150-93, 1/11/1993, §2)

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§4-203. Resident Agent.

Any landlord who is an individual and does not reside within the Commonwealth or within a 10 mile radius from the Borough, and any landlord which is other than an individual and has no office within the Commonwealth or within a 10 mile radius of the Borough shall appoint a resident agent to act for such landlord hereunder. (Ord. 1150-93, 1/11/1993, §3)

§4-204. Reports by Landlords.

Within 30 days from the effective date of this Part, each landlord shall submit to the Assessor, a report form obtainable from the Assessor's Office which sets forth the following information:

- A. A list of all dwelling units leased by the landlord.
- B. The address of each such dwelling unit.
- C. A brief description of each such dwelling unit.
- D. Whether or not such dwelling unit is then occupied by a tenant.
- E. The name and phone number (if any) of any tenant occupying such dwelling unit;
- F. The name, address and phone number of any person appointed by lessor to act as resident agent for lessor with respect to each such dwelling unit, dollars

(Ord. 1150-93, 1/11/1993, §4)

§4-205. Report by Persons upon Becoming a Landlord.

After the effective date of this Part, any Person who becomes a landlord shall, within 30 days thereafter, report to the Assessor the information required by §4-204 of this Part on a form obtainable from the Assessor's Office. (Ord. 1150-93, 1/11/1993, §5)

§4-206. Reports of Changes in Use or Occupancy.

After the effective date of this Part, every landlord shall report to the Assessor on a form obtained from the Assessor's Office, any change in the tenant of a dwelling unit. If such change involves the termination of use or occupancy by a tenant, such report shall also include the date of the change and the forwarding address of the previous tenant, if known. If such change involves a new tenant, such report shall also include the date of

the change and the name of the new tenant. All reports required by this Section shall be made within 30 days after the change takes place. (Ord. 1150-93, 1/11/1993)

§4-207. Maintenance of Information and Forms.

The Assessor is requested to:

- A. Maintain on file at the Assessor's Office the information required to be provided by §§4-204, 4-205 and 4-206 hereof. dollars
- B. Maintain a supply of forms for landlords to use in making the reports required by §§4-204, 4-205 and 4-206 of this Part.

(Ord. 11-50-93, 1/11/1993, §7)

§4-208. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days. (Ord. 1150-93, 1/11/1993, §8; as amended by Ord. 1236-99, 12/13/1999, §2)

Part 3

Rental Unit Occupancy

§4-301. General.

1. Purpose/Scope/Declaration of Policy and Findings.
 - A. It is the purpose of this Part and the policy of the Borough Council of the Borough of Gettysburg, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units in the Borough of Gettysburg and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes and ordinances adopted to protect and promote public health, safety and welfare. It is further the policy of the Borough to protect the quality of life of those Borough residents who live within traditionally residential neighborhoods in which existing housing has been converted into non-owner-occupied rental properties. It is also the policy of the Borough to maintain the high quality of its housing stock and to further protect the value of its housing stock. As a means to those ends, this Part provides for a system of inspections, issuance and renewal of occupancy licenses and sets forth penalties for violations. This Part shall be liberally construed and applied to promote its purposes and policies.
 - B. In considering the amendment of this Part, the Borough Council of the Borough of Gettysburg makes the following findings:
 - (1) There is a greater incidence of violations of various codes and ordinances of the Borough at residential properties where owners do not reside in the Borough and rent such properties to one or more individuals than at owner-occupied residential properties.
 - (2) There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the Borough and rent such properties to one or more individuals than at owner-occupied residential properties.
 - (3) There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners do not reside in the Borough and rent such properties to one or more individuals than at owner-occupied residential properties.

[Ord. 1261-01]

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2. Definitions.

BOROUGH — the Borough of Gettysburg, Adams County, Pennsylvania.

CODE(S) — any code or ordinance adopted, enacted and/or in effect in and for the Borough of Gettysburg concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit. Included within, but not limited by this definition, are the following which are in effect as of the date of enactment of this Part: PA Uniform Construction Code, BOCA Basic Building Code; BOCA Basic Plumbing Code; BOCA Basic Property Maintenance Code; BOCA Basic Fire Prevention Code; National Electric Code; Floodplain Management Ordinance; Weed and Vegetation Control Ordinance; Sidewalk Maintenance Ordinance; Snow and Ice Removal Ordinance; Solid Waste Recycling Ordinance; Historic District Ordinance; Zoning Ordinance; Nuisance Ordinance; Vector Control Ordinance and any duly enacted amendment or supplement to any of the above and any new enactment, amendment or supplement falling within this definition enacted hereinafter.

CODE ENFORCEMENT OFFICER — the duly-appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Gettysburg and any assistants or deputies thereof.

COMMON AREA — in multiple unit dwelling, space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling whether they reside in a regulated rental unit or not. Common areas shall be considered as part of the premises for the purposes of this Part.

DISRUPTIVE CONDUCT — any form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or visitor of a regulated rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct. "Disruptive conduct" shall not be deemed to have occurred unless the Code Enforcement Officer or the Police shall investigate and make a determination that such did occur and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT — a written report of disruptive conduct on a form to be prescribed therefor; to be completed by the Code Enforcement Officer or police, as the case may be, who investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

DWELLING — a building having one or more dwelling units.

DWELLING UNIT(S) — a room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purposes, having cooking facilities and a bathroom consisting of a toilet and a bathtub or shower. [Ord. 1261-01]

GUEST(S) — a person or persons on the premises with the actual or implied consent of an occupant.

LANDLORD — one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit. (Same as "owner.")

MANAGER — an adult individual designated by the owner of a regulated rental unit under §4-302(2) herein. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligations of the owner under this Part and under rental agreements with occupants.

MULTIPLE-UNIT DWELLING — a building containing two or more independent dwelling units including, but not limited to, double houses, row houses, town houses, condominiums, apartment houses and conversion apartments.

OCCUPANCY LICENSE — the license issued to the owner of a regulated rental unit under this Part, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANT(S) — an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania.

OCCUPANCY LICENSE — the license issued to the owner of a regulated rental unit under this Part, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANT(S) — an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania.

OWNER — one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT — a dwelling unit in which the owner resides on a regular, permanent basis.

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OWNER-OCCUPIED DWELLING UNIT — A dwelling unit in which the owner resides on a regular, permanent basis.

PERSON — a natural person, partnership, corporation, unincorporated association limited partnership, trust or any other entity.

POLICE — The Police Department of the Borough of Gettysburg, or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within the Borough of Gettysburg.

PREMISES — any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements on which one or more regulated rental units are located.

REGULATED RENTAL UNIT(S) — a dwelling unit occupied by any person(s) other than the owner under a rental agreement; provided, however, that any dwelling unit within the Borough's Institutional District as that district is respectively delineated and defined on the Gettysburg Borough Zoning Map and in the Gettysburg Borough Zoning Ordinance [Chapter 27], as amended, shall be specifically excluded from this definition of a regulated rental unit and shall not be subject to any provisions of this Part. [Ord. 1261-01]

RENTAL AGREEMENT(S) — a written agreement between owner/landlord and occupant/tenant supplemented by the addendum or by some other document determined, in writing, to be reasonably acceptable by the Borough as required under §4-302(5) of this Part, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

TENANT — an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania. (Same as occupant)

UNRELATED — of or pertaining to two or more persons not related to one another through blood to the level of second cousins, adoption or marriage.

(Ord. 1227, 6/14/1999, §I; as amended by Ord. 1261-01, 12/10/2001, §§1, 2; and by Ord. 1323-06, 11/13/2006, §§1, 2)

§4-302. Owner's Duties.

1. General.

- A. It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with the applicable codes and provisions of all other applicable State laws and regulations and local ordinances and to keep such property in good and safe condition.

- B. As provided for in this Part, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in the Part, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which he, she or it owns in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.
 - C. In order to achieve those ends, every owner of a regulated rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.
 - D. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of the occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or guests may have as result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon an owner other than that which is imposed by existing law.
 - E. This Part is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupant or guest thereof.
2. Designation of Manager. Every owner who is not a full-time resident of the Borough of Gettysburg, and who does not reside within Adams County, Pennsylvania, shall designate a manager who shall reside within Adams County, Pennsylvania. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside in Adams County. If a corporate officer does reside in Adams County, said officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in Adams County. If a partner does reside in Adams County, said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this part and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is designated as a manager hereunder shall be provided by owner or manager to the Borough and such information shall be kept current and updated as it changes.
3. Disclosure.
- A. The owner or manager shall disclose to the occupant(s) in writing on or before the commencement of the tenancy:

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- (1) The name, address and telephone number of the manager, if applicable.
- (2) The name, address and telephone number of the owner of the premises.

4. Maintenance of Premises.

- A. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing, ice and snow removal and litter removal and shall promptly make any and all repairs necessary to fulfill this obligation.
- B. The owner and the occupant(s) may agree that the occupant(s) are to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and the occupants must be in writing. Such an agreement may be entered into between the owner and the occupant(s) only if:
 - (1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or the occupant(s).
 - (2) The agreement does not diminish or affect the obligation of the owner or the occupant(s) in the premises.
- C. In no case shall the existence of any agreement between the owner and the occupant(s) relieve an owner of any responsibility under this Part or other ordinances or codes for maintenance of premises.

5. Written Rental Agreement.

- A. All rental agreements for regulated rental unit(s) shall be in writing and shall be supplemented with the addendum attached hereto as "Appendix A" or by some other document determined, in writing, to be reasonably acceptable to the Borough. No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to the occupant(s) by the owner shall be furnished before the signing of the rental agreement. The owner shall provide the occupant(s) with copies of the rental agreement and addendum (or other document approved by the Borough) upon execution.
- B. Terms and Conditions. The owner and the occupant(s) may include in a rental agreement terms and conditions not prohibited by this Part or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the rights and obligations of the parties.

- C. Prohibited Provisions. Except as otherwise provided by this Part, rental agreements may provide that the occupant(s) or the owner(s) agree to waive or to forego rights or remedies under this Part. A provision prohibited by this subsection included in a rental agreement is unenforceable.
 - D. Attachment of Summary of Part to Rental Agreement. Following the effective date of this Part, and unless otherwise approved in writing by the Borough, at the time of licensing, shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to an occupant. If a summary has been provided when the rental agreement was first executed a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part, the owner shall provide the occupant(s) with a copy of the summary within 60 days after enactment of this Part.
 - E. Written Acknowledgment. Unless otherwise approved in writing by the Borough, the owner shall secure a written acknowledgment from the occupant(s) that the occupant(s) have received the disclosures and information required by this Part.
 - F. Provide Acknowledgment. Unless otherwise approved in writing by the Borough, upon oral or written request by the Borough of Gettysburg, the owner, within 10 days of the request, shall furnish the Borough, copies of the acknowledgment that the occupants received the disclosures and information required by this Part.
 - G. Provide Rental Agreement(s). Upon oral or written request by the Borough of Gettysburg, the owner, within 10 days of the request, shall furnish to the Borough for inspection purpose only, copies of the rental agreement(s) the owner has entered into for regulated rental unit(s).
- 6. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from the occupant(s).
 - 7. Common Areas. Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common areas as if the owner were an occupant.
 - 8. Enforcement.
 - A. Within 10 days after receipt of written notice from the Code Enforcement Officer that an occupant of a regulated rental unit has violated a provision of this Part, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
 - B. Within 20 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report (on a form provided by the Borough),

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setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent the reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

- C. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Part.
 - D. In the event that a second violation occurs within the license year involving the same occupant(s), the Code Enforcement Officer may direct the owner to evict the occupant(s) who violated this Part and to not permit the evicted occupant(s) to occupy the premises during the subsequent licensing period.
- 9. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.
 - 10. Borough Can Make Repairs. In the case where the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code(s) within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Part or other applicable codes, ordinances or statutes including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation or suspension, revocation or nonrenewal of the license issued hereunder.
 - 11. Inspection of Premises. The owner shall permit inspections of the premises by the Code Enforcement Officer at reasonable times upon reasonable notice. If the owner does not permit such inspection of the premises by the Code Enforcement Officer, the Code Enforcement Officer may apply for a search warrant to inspect the premises pursuant to §4-304(4) of this Part.

(Ord. 1227-99, 6/14/1999, §II; as amended by Ord. 1323-06, 11/13/2006, §3)

§4-303. Duties of Occupant(s).

1. General. The occupant(s) shall comply with all obligations imposed upon the occupant(s) by this Part, all applicable codes and ordinances of the Borough and all applicable provisions of State law.
2. Health and Safety Regulations.
 - A. The maximum number of persons permitted in any regulated rental unit at any time shall not exceed one person for each 40 square feet of habitable floor space in said regulated rental unit. The maximum number of persons permitted in the common areas of any multiple-unit dwelling at any time shall not exceed one person for each 15 square feet of common areas on the premises.
 - B. The occupant(s) shall dispose from their regulated rental unit all rubbish, garbage and other waste in a covered trash container, and separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the Borough under its Solid Waste and Recycling Ordinance or, if there is no recycling plan for the premises, then in compliance with the Borough's Solid Waste and Recycling Ordinance and all other applicable ordinances, laws and regulations.
3. Peaceful Enjoyment. The occupant(s) shall conduct themselves and require other person(s) including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the person(s) occupying the same.
4. Residential Use. The occupant(s) shall, unless otherwise permitted by applicable law or ordinance, occupy or use their regulated rental unit for no other purpose than as a residence.
5. Illegal Activities. The occupant(s) shall not engage in, nor tolerate nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101, et seq.) or Liquor Code (47 P.S. §1-101 et seq.) , or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 et seq.)
6. Disruptive Conduct.
 - A. The occupant(s) shall not engage in nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of this Part.
 - B. When a police officer or the Code Enforcement Officer investigates an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute “disruptive conduct” as that term is defined in this

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Part. The information completed on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police made such investigation, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within 3 working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Borough is the Code Enforcement Officer or a police officer.

7. Compliance with Rental Agreements. The occupant(s) shall comply with all lawful provisions of a rental agreement entered into between owner and occupant(s). Failure to comply may result in the eviction of the occupant(s) by the owner.
8. Damage to Premises. The occupant(s) shall not intentionally cause nor permit nor tolerate others to cause damage to the premises. Conduct which results in damages in excess of \$400 shall be considered a violation of this Part.
9. Inspection of Premises. The occupant(s) shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice. If the occupant(s) do not permit such inspection of the premises by the Code Enforcement Officer, the Code Enforcement Officer may apply for a search warrant to inspect the premises, pursuant to §4-304(4) of this Part.

(Ord. 1227-99, 6/14/1999, §III; as amended by Ord. 1323-06, 11/13/2006, §4)

§4-304. Licenses and Inspection.

1. License Requirement.
 - A. As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit (except as provided in §4-304(1) (C) below), the owner of every such regulated rental unit shall be required to apply for and obtain a license for each regulated rental unit.
 - B. A license shall be required for all regulated rental units.
 - C. The following categories or rental properties shall not require licenses and shall not, therefore, be subject to the permitting provision of this Part.
 - (1) Owner-occupied dwelling units provided that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.
 - (2) Hotels and motels.

- (3) Hospitals and nursing homes.
 - (4) Dwellings in which a bed and breakfast use is made.
 - D. A license shall not be required for multiple-unit dwellings, although a license shall be required for each regulated rental unit within the structure. The foregoing notwithstanding, all other provisions of this Part shall apply to the common areas of the structure.
 - E. The application for the license shall be in a form as determined by the Borough.
 - F. The owner shall maintain a current list of occupants in each regulated dwelling unit which shall include the name, permanent address and permanent telephone number of each occupant. The owner shall furnish the list to the Borough upon request and shall notify the Borough of any changes in the number of occupants so that revisions can be made to the license.
 - G. The owner shall furnish with his or her application for license a copy of the written lease form the owner intends to have the occupants of each licensed dwelling unit execute. If the owner uses more than one form of lease, the owner shall furnish a copy of each form. The license will not be issued if the lease form does not meet the requirements of §4-302(5) of this Part.
 - H. The owner shall furnish with his or her application, for inspection purposes only, the leases that have been entered into that will cover all or part of the License term. The license will not be issued if such leases are not furnished for inspection. Leases shall be furnished for all persons who have paid a down payment or security deposit at the time that the owner applies for a license or who have committed to residing in the premises.
2. Annual License Term, Fee and Occupancy Limit.
- A. Each license shall have an annual term. The respective license terms for the indicated areas of the Borough shall be as follows:
 - (1) For all regulated rental unit(s) north of Chambersburg Street, north of Buford Avenue and north of York Street, the license term shall be from September 1 through August 31 of the next year beginning September 1, 2002.
 - (2) For all regulated rental unit(s) south of Chambersburg Street, south of Buford Avenue and west of Baltimore Street, the license term shall be from January 1 through December 31 beginning January 1, 2001.
 - (3) For all regulated unit(s) south of York Street and east of Baltimore Street, the license term shall be from May 1 through April 30 of the next year beginning May 1, 2001.

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[Ord. 1261-01]

- B. Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay the Borough an annual license fee and an inspection fee if an inspection is necessary, in amounts to be established from time to time by resolution of the Borough Council.¹ Such resolution may provide for more than one fee scale for different categories of premises, to be more specifically set forth in the resolution.
 - C. The license shall indicate thereon the maximum number of occupants in each regulated rental unit.
 - D. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Part or any of the ordinances of the Borough of Gettysburg relating to land use and/or code enforcement or if any licensing fees under this Part are due and owing the Borough.
3. Inspection.
- A. All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Borough. Such inspection may take place when an application is submitted for a license or at any time during the year. However, if premises for which a license was previously issued did not reveal any code violations in the inspection conducted in conjunction with the issuance of the license, the Code Enforcement Officer may renew the license for the premises for an additional two annual terms without an inspection of the same if the inspection for the previous license term revealed no code violations and during the license term no complaints were received which after inspection revealed code violations.
 - B. The Code Enforcement Officer is hereby designated as the official authorized to enforce this part and to take appropriate measures to abate violations hereof, for and on behalf of the Borough.
 - C. This Section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether subject to the permitting and inspection requirements of this part or pursuant to any other ordinance or code.
4. Search Warrant. Upon a showing of probable cause that a violation of this part or any other ordinance of the Borough has occurred, the Code Enforcement Officer may apply to the District Justice having jurisdiction in the Borough for a search warrant to enter and inspect the premises.

¹ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

(Ord. 1227-99, 6/14/1999, §IV; as amended by Ord. 1261-01, 12/10/2001, §3; and by Ord. 1323-06, 11/13/2006, §§5, 6)

§4-305. Grounds for Nonrenewal Suspension or Revocation of License.

1. General. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license for violating any provision of this Part that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided herein.
2. Definitions of Options.

FORMAL WARNING — formal written notification of at least one violation of this Part. Upon satisfactory compliance with this Part and any conditions imposed by the Code Enforcement Officer, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer.

NONRENEWAL — the denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer.

REVOCATION — the immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

SUSPENSION — the immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

3. Criteria for Applying Discipline. The Code Enforcement Officer, when applying discipline, shall consider the following:
 - A. The effect of the violation on the health, safety and welfare of the occupant(s) of the regulated rental unit and other residents of the premises.
 - B. The effect of the violation on the neighborhood.
 - C. Whether the owner has prior violations of this Part and other ordinances of the Borough or has received notices of violations as provided for in this Part.

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- D. Whether the owner has been subject to disciplinary proceedings under this Part.
 - E. The effect of disciplinary action on the occupants.
 - F. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
 - G. The policies and lease language employed by the owner to manage the regulated dwelling unit to enable the owner to comply with the provisions of this Part.
 - H. In addition to applying discipline as set forth above, the Code Enforcement Officer may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Part.
4. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this subsection:
- A. Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
 - B. Refusal to permit the inspection of the premises by the Code Enforcement Officer as provided for in §4-304(3) of this Part.
 - C. Failure to take steps to remedy and prevent violations of this Part by occupants of regulated dwelling units as provided for in §4-302 of this Part.
 - D. Failure to file and implement an approved plan to remedy and prevent violations of this Part by occupants of a regulated rental unit as provided for in §4-302(8) of this Part.
 - E. Failure to evict occupants after having been directed to so by the Code Enforcement Officer of the Borough as provided for in §4-302 (8) of this Part.
 - F. Three violations of this part or other ordinances of the Borough that apply to the premises within the license term. For purpose of this Part, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice in writing of this violation within 30 days after the Code Enforcement Officer received notice of the violation.
5. Procedure for Nonrenewal, Suspension or Revocation of License.
- A. Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such noti-

fication shall be in writing, addressed to the owner in question and shall contain the following information:

- (1) The address of the premises in question and identification of the particular regulated rental unit(s) affected.
- (2) A description of the violation which has been found to exist.
- (3) A statement that the license for said regulated rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of such suspension. [Ord. 1261-01]
- (4) A statement that, due to nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, letting or permitting occupancy of the dwelling unit(s) by any person (other than the owner) subject to said enforcement, from and during the period said action is in effect. [Ord. 1261-01]
- (5) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to the Regulated Rental Units Appeal Board by submitting in writing to the Borough Secretary, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefore and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefore by the Borough, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of Borough Council.
- (6) Upon receipt of such an appeal in proper form, accompanied with requisite filing fee, the Borough Secretary shall schedule a hearing to be held not less than 10 days nor more than 30 days from the date on which the appeal is filed.
- (7) The appellant, the Code Enforcement Officer, the occupants and the owners of properties within a radius of 150 feet from the premises for which the license is issued shall receive written notice of hearing on the appeal.

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- (8) The Regulated Rental Unit Appeals Board shall hold a hearing on the appeal which shall be in accordance with the Local Agency Law, 2 Pa. C.S.A. §§551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Appeal Board shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the completion of the hearing or within 15 days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If the Appeals Board deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing date, which time and date shall be openly announced at the initial hearing and in such case, the time for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

B. Regulated Rental Unit Appeals Board.

- (1) The membership of the Regulated Rental Unit Appeals Board shall consist of five residents of the Borough appointed by resolution by the Borough Council. The terms of office of the Board shall be five years and shall be so fixed that the term of office of one member of the Board shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments by the Borough Council to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.
- (2) The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. Once seated, an alternate shall be entitled to participate in the proceedings and discussions of the Board to the same and full extent as other Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Part. Alternates shall hold no other office in the Borough.
- (3) The Board shall elect from its membership a chairman, vice chairman and secretary who each shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum of the Board shall not be less than a majority of all of the members of the Board.

- (4) If, by reason of absence or disqualification of a member of the Board a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board and all proceedings involving the case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this provision shall be made on a case-by-case basis and shall rotate according to declining seniority among all alternates.
- (5) The Board may make, alter and rescind forms for its procedure consistent with the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

C. Delivery of Notification.

- (1) All notices shall be sent to the owner or the manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
- (2) If personal service cannot be accomplished after a reasonable attempt to do so then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail and all time periods set forth in subsection 5 above, shall thereupon be calculated from said fifth day.

(Ord. 1227-99, 6/14/1999, §V; as amended by Ord. 1261-01, 12/10/2001, §§4, 5)

§4-306. Violations and Penalties.

1. Basis for Violation. It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum limit as set forth on

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the license or to violate any other provision of this Part. It shall be unlawful for any occupant to violate this Part.

2. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 80[??95] days. Each day that a violation of this Part continues shall constitute a separate offense.
3. Nonexclusive Remedies. The penalty provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purpose of this Part. The remedies and procedures in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code of ordinance is cited as the underlying ground for a finding of a violation of this Part.

(Ord. 1227-99, 6/14/1999, §VI)

§4-307. Miscellaneous Provisions.

1. Notices.
 - A. For purposes of this Part, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
 - B. There shall be a rebuttable presumption that any notice required to be given to the owner under this Part shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.
 - C. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have given and deemed received in accordance with the applicable provisions of this Part.
2. Changes in Ownership Occupancy. It shall be the duty of each owner of a regulated rental unit to notify the Code Enforcement Officer in writing of any change in ownership of the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any regulated rental unit or of the changing of a dwelling unit from owner-occupied to nonowner-occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this Part.

3. Owners Severally Responsible. If a regulated rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

(Ord. 1227-99, 6/14/1999, §VII)